

cause, grant an extension of time and shall so notify the recipient in writing.

Dated: December 24, 1997.

**Victor M. Fortuno,**

*General Counsel.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 679**

[Docket No. 970829216-7305-02; I.D. 080597F]

RIN 0648-AK14

**Fisheries of the Exclusive Economic Zone Off Alaska; Allocation of Atka Mackerel to Vessels Using Jig Gear**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule.

**SUMMARY:** NMFS implements Amendment 34 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP). The implementing regulations of Amendment 34 require an allocation of Atka mackerel to vessels using jig gear. Annually, up to 2 percent of the total allowable catch (TAC) specified for this species in the eastern Aleutian Islands District (AI)/Bering Sea subarea (BS) will be allocated to the jig gear fleet fishing in this area. This action is necessary to provide an opportunity to a localized, small-vessel jig gear fleet to fish for Atka mackerel in summer months. The large-scale trawl fisheries typically harvest the available TAC for this species early in the fishing year, which does not allow jig gear fishermen an opportunity for a summer fishery. This action is intended to further the goals and objectives of the FMP.

**DATES:** Effective January 30, 1998.

**ADDRESSES:** Copies of Amendment 34 and the Environmental Assessment/Regulatory Impact Review/Final Regulatory Flexibility Analysis (EA/RIR/FRFA) prepared for this action may be obtained from NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori J. Gravel.

**FOR FURTHER INFORMATION CONTACT:** Susan Salveson, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** The domestic groundfish fisheries in the exclusive economic zone of the Bering

Sea and Aleutian Islands management area (BSAI) are managed by NMFS under the FMP. The FMP was prepared by the North Pacific Fishery Management Council (Council) under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing the groundfish fisheries of the BSAI appear at 50 CFR parts 600 and 679.

At its June 1997 meeting, the Council adopted Amendment 34 to the FMP and recommended that NMFS prepare a rulemaking to implement the amendment. A notice of availability of Amendment 34 was published in the **Federal Register** on August 15, 1997 (62 FR 43689) and invited comments on the amendment through October 14, 1997. A proposed rule to implement Amendment 34 was published on September 22, 1997 (62 FR 49464), with comments invited through November 6, 1997. No comments were received either on Amendment 34 or on the proposed rule.

The rule implementing Amendment 34 requires an allocation of Atka mackerel to vessels using jig gear. Annually, up to 2 percent of the TAC specified for this species in the eastern AI/BS will be allocated to vessels using jig gear in this area. The amount of the allocation will be determined annually based on the anticipated harvest capacity of the jig gear fleet and will be published in the **Federal Register** as part of the annual groundfish specifications process.

NMFS has determined that this action is necessary for the conservation and management of the Atka mackerel fishery of the BSAI and for addressing resource allocation issues between the jig and trawl gear fisheries for this species. NMFS approved Amendment 34 on November 13, 1997, under section 304(a) of the Magnuson-Stevens Act. Additional information on this action may be found in the preamble to the proposed rule and in the EA/RIR/FRFA.

**Classification**

The Administrator, Alaska Region, NMFS, determined that Amendment 34 is necessary for the conservation and management of the groundfish fishery of the BSAI and that it is consistent with the Magnuson-Stevens Act and other applicable laws.

This final rule has been determined to be not significant for purposes of E.O. 12866.

NMFS prepared an FRFA consisting of the EA/RIR, and the preamble to this final rule. The initial regulatory flexibility analysis (IRFA) concluded that this action would have a significant

positive economic impact on small entities to the extent that the jig gear fleet realized potential gains through increased harvests of Atka mackerel. Any loss in gross annual revenues that would be incurred by trawl catcher vessels under Amendment 34 would not be significant (i.e., would not exceed 5 percent of a vessel's total annual revenue) because these vessels are larger (> 60 ft (18.29 m)) in length and participate in other lucrative groundfish fisheries, including the Atka mackerel fishery in the Central and Western Aleutians. Additional explanation of these impacts is presented in the preamble to the proposed rule (62 FR 49464, September 22, 1997). No comments were received on the IRFA. Because the significant economic impacts on small entities are beneficial impacts, no steps have been taken to minimize them. Likewise, other alternatives that were rejected would not have benefited small entities as greatly as the selected alternative. A copy of the RIR/FRFA is available from NMFS (see **ADDRESSES**).

**List of Subjects in 50 CFR Part 679**

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: December 22, 1997.

**David L. Evans,**

*Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 679 is amended as follows:

**PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA**

1. The authority citation for 50 CFR part 679 continues to read as follows:

**Authority:** 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, and 3631 *et seq.*

2. In § 679.20, paragraph (a)(8) is redesignated as paragraph (a)(9) and new paragraphs (a)(8) and (c)(6) are added to read as follows:

**§ 679.20 General limitations.**

\* \* \* \* \*

(a) \* \* \*

(8) *BSAI Atka mackerel*—(i) *TAC by gear*. Vessels using jig gear will be allocated up to 2 percent of the TAC of Atka mackerel specified for the Eastern Aleutian Islands District and Bering Sea subarea, after subtraction of reserves, based on the criteria specified at paragraph (a)(8)(ii) of this section. The remainder of the TAC, after subtraction of reserves, will be allocated to vessels using other authorized gear types.

(ii) *Annual specification*. The percentage of the Atka mackerel TAC

specified for the Eastern Aleutian Islands District and Bering Sea subarea that is allocated annually to vessels using jig gear will be published in the **Federal Register** as part of the proposed and final annual specifications under paragraph (c) of this section. The jig gear allocation will be based on the following criteria:

(A) The amount of Atka mackerel harvested by vessels using jig gear during recent fishing years;

(B) The anticipated harvest of Atka mackerel by vessels using jig gear during the upcoming fishing year; and

(C) The extent to which the jig gear allocation will support the development of a jig gear fishery for Atka mackerel while minimizing the amount of Atka mackerel TAC annually allocated to vessels using jig gear that remains unharvested at the end of the fishing year.

\* \* \* \* \*

(c) \* \* \*

(6) *BSAI Atka mackerel allocations.* The proposed, interim, and final specifications will specify the allocation of BSAI Atka mackerel among gear types as authorized under paragraph (a)(8) of this section.

\* \* \* \* \*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 679**

[Docket No. 961126334-7052-02; I.D. 122297A]

**Fisheries of the Exclusive Economic Zone Off Alaska; Closures of Specified Groundfish Fisheries in the Gulf of Alaska**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Closure.

**SUMMARY:** NMFS is closing specified groundfish fisheries in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the directed fishing allowances specified for the 1998 interim total allowable catch (TAC) amounts for the GOA.

**DATES:** Effective 0001 hrs, Alaska local time (A.l.t.), January 1, 1998, until superseded by the Final 1998 Harvest Specification for Groundfish, which will be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Mary Furuness, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** The groundfish fishery in the exclusive economic zone of the GOA is managed by NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

In accordance with § 679.20(d), if the Administrator, Alaska Region, NMFS (Regional Administrator), determines that the amount of a target species or "other species" category apportioned to a fishery or, with respect to pollock and Pacific cod, to an inshore or offshore component allocation, will be reached, the Regional Administrator may establish a directed fishing allowance for that species or species group. If the Regional Administrator establishes a directed fishing allowance, and that allowance is or will be reached before the end of the fishing year, NMFS will prohibit directed fishing for that species or species group in the specified GOA Regulatory Area or district (see 697.20(d)(1)(iii)).

NMFS has published interim 1998 harvest specifications for these groundfish fisheries (62 FR 65622, December 15, 1997). The Regional Administrator has determined that the following interim TAC amounts will be reached and are necessary as incidental catch to support other anticipated groundfish fisheries prior to the time that final specifications for groundfish are likely to be in effect for the 1998 fishing year:

Thornyhead rockfish	entire GOA.
Atka mackerel .....	entire GOA.
Sablefish .....	entire GOA.
"Other rockfish" .....	entire GOA.
Shortraker/rougheye rockfish.	entire GOA.
Pacific cod .....	offshore component, entire GOA.
Pollock .....	offshore component, entire GOA.
Deep-water flatfish ...	Western Regulatory Area.
Northern rockfish .....	Eastern Regulatory Area.

Consequently, in accordance with § 679.20(d)(i), the Regional Administrator establishes these interim TAC amounts as directed fishing allowances.

Further, The Regional Administrator finds that these directed fishing allowances will be reached before the end of 1998. Therefore, in accordance with § 679.20(d) NMFS is prohibiting directed fishing for these species in the specified areas.

These closures will be in effect beginning at 0001 hours, A.l.t., January 1, 1998, until superseded by the Final 1998 Initial Harvest Specifications for Groundfish.

While these closures are in effect, the maximum retainable bycatch amounts at § 679.20 (e) and (f) apply at any time during a fishing trip. Additional closures and restrictions may be found in existing regulations at 50 CFR part 679. These closures to directed fishing are in addition to closures and prohibitions found in regulations at 50 CFR part 679. Refer to § 679.2 for definitions of areas. The definitions of GOA deep-water flatfish and "Other rockfish" species categories are provided in the **Federal Register** publication of the interim 1998 harvest specifications (62 FR 65622, December 15, 1997).

NMFS may implement other closures at the time the Final 1998 Initial Harvest Specifications are implemented or during the 1998 fishing year, as necessary for effective conservation and management.

**Classification**

This action is required by § 679.20 and is exempt from review under E.O. 12866.

This action responds to the interim TAC limitations and other restrictions on the fisheries established in the interim 1998 harvest specifications for groundfish for the GOA. It must be implemented immediately to prevent overharvesting the 1998 interim TAC of several groundfish species in the GOA. A delay in the effective date is impracticable and contrary to the public interest. The fleet will begin to harvest groundfish on January 1, 1998. Further delay would only result in overharvest. NMFS finds for good cause that the implementation of this action should not be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: December 23, 1997.

**Gary C. Matlock,**

*Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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